

AN ORDINANCE ' **97103**

APPROVING A JOINT USE AGREEMENT WITH THE SAN ANTONIO RIVER AUTHORITY ("SARA") AND AUTHORIZING PAYMENT IN THE TOTAL AMOUNT OF \$670.00 FROM 1999 G.O. STREET IMPROVEMENT BOND FUNDS TO SARA FOR AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$660.00 FOR JOINT USE OF THREE DRAINAGE CHUTES WITHIN SARA DRAINAGE EASEMENT(S); AND ACCEPTING A SPECIAL WARRANTY DEED TO REAL PROPERTY FOR \$10.00 AND OTHER GOOD AND VALUABLE CONSIDERATION IN CONNECTION WITH THE MOCKERT STREET AREA (MOCKERT, FORREST, W. LAMBERT, KLINE, CASS) PROJECT, LOCATED IN COUNCIL DISTRICT 5; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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WHEREAS, the San Antonio River Authority (SARA) owns or controls certain real property which is needed by the City of San Antonio for the Mockert Street Area Project; and,

WHEREAS, SARA has agreed to convey a portion of the property needed by the City of San Antonio, subject to certain reservations of rights, on acceptable terms and conditions; and,

WHEREAS, SARA has agreed to allow the joint use of other portions of its property for replacement and maintenance of three drainage chutes on acceptable terms and conditions; and,

WHEREAS, the attached Special Warranty Deed and Joint Use Agreement more particularly set out the complete terms and conditions; and,

WHEREAS, the City Council of the City of San Antonio finds that acquiring title to and/or use of the property on the terms and conditions contained in the documents is in the best interest of the City of San Antonio and its citizens; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The acquisition of title to approximately 15,531.90 square feet of land out of Lots 17 and 18, Block Two, NCB 2593, Bexar County, Texas and a portion of the adjacent lot or lots, as set out more fully in the Special Warranty Deed which is attached hereto, is approved. A copy of the Special Warranty Deed is marked as Attachment 1 and it is attached hereto and incorporated herein for all purposes. The City Manager or her designee is authorized to take necessary actions to complete the transaction.

SECTION 2. The acquisition of the joint use of certain real property identified in and on the terms set out in the attached Joint Use Agreement is approved. A copy of the Joint Use Agreement is marked as Attachment 2 and it is attached hereto and incorporated herein for all purposes. The City Manager or her designee is authorized to take necessary actions to complete the transaction.

SECTION 3. The budget in Fund 45-972095, 1999 General Obligation Street Improvement Bonds, shall be revised by reducing Index Code 695577, entitled Unallocated Appropriations, in the amount of \$670.00.

SECTION 4. The budget in Fund 45-972026, 1999 General Obligation Street Improvement Bonds, shall be revised by increasing Index Code 920298, entitled Transfer to 45-979052, in the amount of \$670.00. The amount of \$670.00 is authorized to be transferred from Fund 45-972026 to Fund 45-979052.

SECTION 5. The budget in Fund 45-979000, 1999 Street Improvement Bonds, shall be revised by increasing Index Code 114355, entitled Transfer from 45-972026 (45-979052), in the amount of \$670.00.

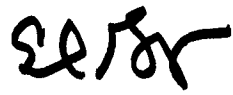
SECTION 6. The amount of \$660.00 is appropriated in Fund 45-979052, 1999 Street Improvement Bonds, in index code 619775, entitled

Administrative Fees, and is authorized to be encumbered and made payable to San Antonio River Authority , in connection with the Mockert Area Streets (Mockert, Forest, W. Lambert, Cass) Project.

SECTION 7. The amount of \$10.00 is appropriated in Fund 45-979052, 1999 Street Improvement Bonds, in index code 618355, entitled Special Warranty Deed Fee, and is authorized to be encumbered and made payable to San Antonio River Authority, in connection with Mockert Area Streets (Mockert, Forest, W. Lambert, Cass) Project.

SECTION 8. This ordinance shall be effective from and after the 30th Day of January, 2003.

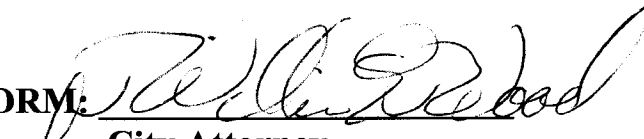
PASSED AND APPROVED this 30th Day of January, 2003..


M A Y O R
EDWARD D. GARZA

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


City Attorney